

ISABEL TABIT

JUNE 19, 1951.—Committed to the Committee of the Whole House and ordered to be printed

Mr. GRAHAM, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 581]

The Committee on the Judiciary, to whom was referred the bill (H. R. 581) for the relief of Isabel Tabit, having considered the same, report favorably hereon with amendment and recommend that the bill do pass.

The amendment is as follows: Strike out all after the enacting clause and insert in lieu thereof the following:

That for the purposes of the immigration and naturalization laws, Isabel Tabit shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee and head tax. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper quota officer to deduct one number from the appropriate quota for the first year that such quota is available.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to provide for permanent residence in the United States to a native and citizen of Lebanon. The bill also provides for the payment of the required visa fee and head tax and for the appropriate quota deduction.

GENERAL INFORMATION

The pertinent facts in this case are set forth in a letter from the Deputy Attorney General to the chairman of the Committee on the Judiciary, regarding a similar bill (H. R. 6643) pending in the Eighty-first Congress. The said letter reads as follows:

SEPTEMBER 12, 1950.

HON. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice relative to the bill (H. R. 6643) for the relief of Isabel Tabet, an alien.

The bill would provide that Isabel Tabet (Tabit) shall be considered to have been lawfully admitted to the United States for permanent residence as of January 14, 1949. It would also direct the Secretary of State to instruct the quota-control officer to deduct one number from the appropriate immigration quota.

The files of the Immigration and Naturalization Service of this Department disclose that Isabel Yusef Tabet is a native and citizen of Lebanon, having been born in Bhamdoun, Lebanon, on August 30, 1908. She last entered the United States at Buffalo, N. Y., about September 1, 1949, when she returned from a 2-day visit to Canada, and falsely claimed to be a native of Montgomery, W. Va. She first entered this country at the port of New York on January 14, 1949, when she was admitted as a visitor under section 3 (2) of the Immigration Act of 1924, until April 2, 1949, destined to her married sister in Montgomery, W. Va. Extension of her temporary stay was granted until October 2, 1949, inasmuch as she submitted evidence that she was receiving treatment for chronic simple glaucoma. Her departure to Canada the latter part of August, however, terminated her authorized stay. Her presence in this country since her return from Canada is illegal. The Immigration and Naturalization Service, however, unaware of her departure to Canada and her reentry to this country subsequent to the date of her first entry, granted her permission in October 1949, to prolong her stay in the United States until January 18, 1950. Proceedings to enforce her departure from the United States were ordered held in abeyance pending consideration of this bill.

It appears from the record that Miss Tabet still receives occasional treatment for the chronic glaucoma in her left eye, that she resides with her sister and brother-in-law in Montgomery, W. Va., and that she has a brother in Beirut, where he is connected with the American University. Miss Tabet stated that she attended the American school for girls and later the American University in Beirut, Lebanon, and that she was employed in Lebanon as a teacher. She further stated that her parents are deceased, that she has about \$2,000 in a bank account in Montgomery and about \$4,000 in Beirut. Her sister stated that she and her husband have substantial means and that Miss Tabet will never become a public charge if she is permitted to remain in this country.

The quota for Lebanon, to which the alien is chargeable, is greatly oversubscribed, and visas thereunder are not readily obtainable. The record fails, however, to present considerations sufficient to justify the enactment of special legislation granting her a preference over other aliens abroad who are awaiting an opportunity to come to this country for permanent residence.

Accordingly, this Department is unable to recommend enactment of this measure.

Yours sincerely,

PEYTON FORD,
Deputy Attorney General.

Mr. Bailey, the author of this bill, appeared before a subcommittee of the Committee on the Judiciary and urged the enactment of his bill, submitting the following correspondence in support of this legislation:

WASHINGTON, D. C., June 5, 1951.

In re: H. R. 581, Eighty-second, Congress, Miss Isabel Tabit. A-7243483.

HON. CLEVELAND M. BAILEY, M. C.,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN: In reference to the case of the above-named which was presented by you to the Immigration Subcommittee of the Committee on the Judiciary, United States House of Representatives, on May 7 and June 4, 1951, and as to which you have requested my counsel, permit me to advise as follows:

The alien is a 42-year-old spinster, native and citizen of Lebanon, of good character, one of a family the members of which for many years have been identified with the American Presbyterian College at Beirut. She is a graduate of that college and for many years was a teacher in the American missionary school there. On January 14, 1949, she came to the United States for medical treatment which she is still receiving. As a teacher she has a high potential of usefulness within

the United States, and the State superintendent of schools of West Virginia, wherein her American-citizen relatives reside, has testified that employment as teacher is available to her. She speaks English, French, and Syrian.

Her case presents this unfortunate aspect, that in August 1949 she was carried by her American-citizen relatives in an automobile across southern Ontario, Canada, from Detroit to Niagara Falls, and at the latter place all members of the family, including the alien, told an American immigrant inspector that they were from Montgomery, W. Va. In such manner the alien was passed for entry into the United States, as the technical phrase puts it "by false and misleading statements, therefore without inspection." Later she was arrested in deportation proceedings under this charge.

That such a charge should not have been brought upon such a minor technical offense would clearly appear upon basis of these facts:

(1) The alien was entirely readmissible to the United States as bearer of a valid Lebanese passport which she then had in possession, her temporary stay within the United States to October 2, 1949, being then authorized.

(2) She did not travel across southern Ontario upon her own volition or with realization that she was traversing foreign territory, or with foreknowledge that her position as a legally resident temporary visitor would be in any wise affected thereby.

(3) As a guest in a conveyance owned and operated by her American-citizen relatives she came into a position comparable to that of the alien *DiPasquale* (*DiPasquale v. Karnuth*, 158 F. (2) 878) who, having moved by railway sleeping car along the same general route, neither knowing nor having intention of leaving the United States or of entering Canada, was held not to have made a new entry rendering him liable to deportation.

(4) Without control over the means of conveyance or the route of travel, she was also without competent advice or instruction respecting her responsibilities in a brief moment of border inspection; wherefore in ignorance and innocence she gave a wrong answer when the right one which was both available and appropriate would have served her perfectly.

The fact that her illness at the moment was painful (she had had a gall-bladder attack and was then en route to meet an appointment for examination and treatment at Johns Hopkins Hospital, Baltimore, Md.) would seem to be a reasonable and valid excuse for her brief and quick response to a single official question. It may be noted that she was not sworn, wherefore her hasty answer was not an act of perjury. But of greatest importance is the fact that at that moment she was wholly admissible as a legally resident temporary visitor; wherefore the mental lapse in answering wrongly and seeming to identify herself as an American citizen when she was not, was utterly pointless. Moreover, as it was not recorded at the time, it could have been corrected pursuant to a competent inquiry or investigation if such had been made or conducted prior to the institution of deportation proceedings. So it may be remarked that if the alien were a person of immoral or criminal character, it would have been quite in order to hang her on a technicality of this sort as the Government attempted unsuccessfully in the case of the criminal *DiPasquale* and also in the case of the shipwrecked seaman *Delgadillo* (*Delgadillo v. Carmichael*, 68 Sup. Ct. 10, 332 U. S. 388). But why a simple old-maid schoolteacher of no evil antecedents or degraded experience should have been so proceeded against is quite incomprehensible, except upon the hypothesis of mechanical rather than wise and humane administration.

Upon the question whether your bill H. R. 581 should pass, you have presented to the subcommittee evidence establishing the alien's good character, experience as a teacher, and eligibility to accept teaching employment in your State. Thus you have shown that to accord her permanent American-residence status would be a definite benefit to the United States.

I may remind you that as of the present time there is no available preference within immigration quota for persons of this alien's character and abilities, the bills to accord such preference being still pending in House and Senate committees. This being so, there is no way except by private bill to give the school system of your State the benefit of this lady's capacities.

The fact that she is related to your constituents residing at Montgomery, W. Va., who are in position responsibly to guarantee for her, they being respected and worthy citizens, some in the American armed services, is of course secondarily important. The primary important fact is the lady's potentiality of usefulness to the United States. Her experience at Niagara Falls in August 1949 is, as above pointed out, entirely and properly excusable.

Respectfully yours,

PETER F. SNYDER.

STATE OF WEST VIRGINIA,
DEPARTMENT OF EDUCATION,
Charleston, May 28, 1951.

HON. CLEVELAND M. BAILEY,
House of Representatives,
Washington, D. C.

DEAR MR. BAILEY: I am pleased to write you in behalf of the schools but I am not quite so well pleased in my having to reveal the condition that existed in schools throughout this last year as it relates to the qualifications of many of our teachers. The shortage of teachers was acute, resulting in our having to employ a number of teachers in the schools with but little preparation. The condition arose in part as a result of the low salaries paid that did not induce many young people to enter the teaching profession. Now, with salaries very much increased, we find the shortage in the supply of persons prepared to teach. The higher salaries will encourage more young people to prepare for teaching and may bring back to the State some of our former teachers who went elsewhere but, in the meantime, we shall have difficulty in finding a sufficient number of prepared teachers.

From these statements you will see that, in my thinking, we can use to great advantage persons with the preparation and character of Miss Isabel Tabit who is seeking citizenship within this country. I feel confident that, should she be admitted, she could be of great value to the teaching profession in this State or in another State.

With personal regards, I am

Sincerely yours,

W. W. TRENT,
State Superintendent of Free Schools.

WOOSTER, OHIO, April 26, 1950.

To Whom It May Concern:

This is to certify that I have known Miss Isabel Tabit from childhood; that she was a student in the American School for Girls in Beirut, Syria (a mission school under the direction of the Presbyterian Church in the United States of America) of which I was principal, that she is a graduate of the school; that she has been on the staff of teachers of that school from the time of her graduation until 1948, and that she was an excellent teacher.

I hereby certify that her character has been and is most exemplary.

OTTORA M. HORNE,
Retired Missionary.

Upon consideration of all the facts in this case, the committee is of the opinion that H. R. 581, as amended, should be enacted and it accordingly recommends that the bill do pass.

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